



Corres. and Mail
BOX AF

AF/2653
Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2653

PATENT
ATTORNEY DOCKET NO.: 041514-5105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Ikuya KIKUCHI et al.) Confirmation No.: 8572
Application No.: 09/765,306) Group Art Unit: 2653
Filed: January 22, 2001) Examiner: K. Chu
For: OPTICAL PICKUP APPARATUS AND)
INFORMATION RECORDING AND/OR)
REPRODUCING APPARATUS)

RECEIVED

JUN 21 2004

Technology Center 2600

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, **Mail Stop AF**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.116 TRANSMITTAL FORM

1. Transmitted herewith is a Response and Request for Reconsideration under 37 C.F.R. §1.116 in response to the Final Office Action dated January 16, 2004 (Paper No. 9).
2. Additional papers enclosed:

- Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$420.00.

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	8	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$86 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- No fee is to be paid at this time.
- Please charge Deposit Account No. 50-0310 the amount of \$420.00 for the two-month extension of time fee.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Dated: June 16, 2004

By: Victoria D. Hao
Victoria D. Hao
Registration No. 47,630

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
 1111 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004
 Telephone: 202.739.3000